

**REMARKS**

The application title has been amended. It is respectfully submitted that no new matter has been introduced.

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 80 and 82 was amended to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim.

Claims 80, 82, and 84-93 are now pending in this application. Claims 80 and 82 are the independent claims.

**I. The Indefiniteness Rejection**

Claims 80, 82, and 84-93 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Each of claims 80 and 82 was amended to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

**II. The Obviousness Rejection**

Claims 80, 82, and 84-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herrmann (U.S. Patent No. 6,134,707). This rejection is respectfully traversed.

Herrmann does not establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there

must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." See MPEP § 2143.

To the extent that official notice is taken to support the rejection, Applicants respectfully traverse and request citation and provision of a reference that supports the rejection. See MPEP § 2144.03. Specifically, page 4 of the Office Action recites "[i]t was old and well know(n) in the computer art to get the advantage of organizing and grouping the files so that the user is not overwhelmed by a long list of files." Further, page 5 of the Office Action recites "it was old and well known in the computer art to get the advantage of uploading customized function calls in order to permit use to reconfigure re-programmable programmable logics in order to accommodate software upgrade. Lastly, page 6 of the Office Action recites "it was old and well known in the computer art to get the advantage of saving memory space by deleting unwanted data". Applicants respectfully request citation and provision of a reference that supports each of these recitations.

A 37 CFR § 1.132 Declaration of Dr. Ronald D. Williams (hereinafter referred to as "the Williams Declaration), filed herewith, indicates that one skilled in the art would not find all of the elements and limitations of the claims present in any the cited references.

Each of independent claims 80 and 82 recite "a customized function call adaptable to become a part of an operating system" of a "programmable logic controller". Paragraphs 11-16 of the Williams Declaration evidence that one skilled in the art would not find that Herrmann teaches expressly or inherently "a customized function call adaptable to become a part of an operating system" of a "programmable logic controller". Consequently, Herrmann does not teach or suggest all of the claim limitations, and thus does not establish a *prima facie* case of obviousness. Accordingly, it is respectfully submitted that the rejection of claims 80 and 82 is unsupported by Clarke and should be withdrawn. Because no *prima facie* rejection of any

independent claim has been presented, no *prima facie* rejection of any dependent claim can be properly asserted. Consequently, the rejection of each of claims 84-93, each ultimately depending from either independent claim 80 or 82, is unsupported by Clarke and also should be withdrawn.

### CONCLUSION

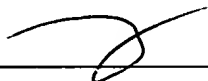
It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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